HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.500 of 2007

Between:

P. Raghavendra Prasad & another

… Appellants

AND

Food Corporation of India,
Rep. By its Managing Director,
New Delhi & others

… Respondents

:: JUDGMENT ::

Counsel for the appellants : Shri G. Vidya Sagar

Counsel for respondent Nos. 1 and 2: Shri Meherchand Noori

Dated: 15th June, 2007

Per G.S. SINGHVI, CJ

This is an appeal for setting aside order dated 08.07.2005 passed by the learned Single Judge in Writ Petition No.7663 of 1999, whereby he declined to interfere with the selection made by the Food Corporation of India for promotion to the posts of Joint Manager/Deputy Manager in the General Administration Cadre.

In the writ petition filed by them along with seven others, the appellants challenged the vires of the amendment made in Appendix-I of the Food Corporation of India (Staff) Regulations, 1971 (for short, 'the Regulations') vide notification dated 14.10.1998 and also prayed for issue of a mandamus to the official respondents to allow them to appear in the interview for the post of Joint Manager (General Administration)/Deputy Manager(General Administration/Technical).

The learned Single Judge took cognizance of the fact that by an interim order passed in W.P.M.P.No.9552 of 1999, the writ petitioners (the appellants herein) were allowed to appear in the interview, but they could not secure the minimum marks prescribed for promotion to the posts of Joint Manger/Deputy Manager in the General Administration Cadre and held that a direction for their appointment cannot be issued.

We have heard learned counsel for the parties and perused the record. In our opinion, there is no merit in the writ appeal and the same is liable to be dismissed summarily because, as per their own showing, the appellants have secured only 124 and 121 marks respectively in the test conducted by the competent authority and the last person among the 13 candidates who were selected on the basis of their performance in the written test and interview have secured 139 marks. This being the position, the Court cannot mandate the official respondents to appoint the appellants ignoring the better merit of selected candidates and the selection made by the official respondents cannot be nullified because none of the 13 persons who

were selected on the basis of their performance in the written test and interview was impleaded as a party to the writ petition and without hearing them, this Court cannot directly or indirectly nullify the process of selection.

In the result, the appeal is dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

15.06.2007.

ksld